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Ref: Case Docket No.: **P3316**
First Named Inventor: **Christopher C.M. Beck**
Serial Number: **09/182,745**
Filing Date: **10/28/1998**
Title of Case: **Methods and Apparatus for Building Multimedia Applications Using Interactive Multimedia Viewers**

I hereby certify that the attached papers are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and addressed to the Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450.

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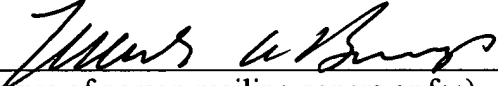4. Certificate of express mailing.
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Mark A. Boys
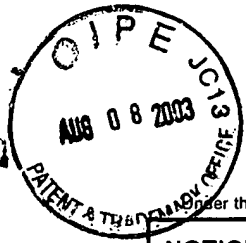
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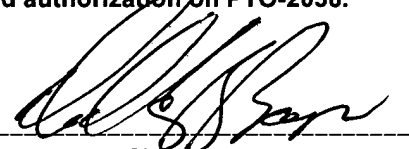| **NOTICE OF APPEAL** FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES	Docket Number (Optional) P3316

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Assistant Commissioner for Patents, Washington D.C. 20231" on_____08/08/2003_____. Signature_____. Typed or printed name____Mark A. Boys____.	In re Application of Christopher C.M. Beck et al.

Application Number 09/182,745	Filed 10/28/1998

For Methods and Apparatus for Building Multimedia Applications Using Interactive Multimedia Viewers	

Group Art Unit 2178	Examiner Cong Lac T. Huynh

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) $___320.00___.

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- [ ] Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:
- [x] A check in the amount of the fee is enclosed.
- [ ] Payment by credit card. Form PTO-2038 is attached.
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- [x] The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No.____50-0534____. I have enclosed a duplicate copy of this sheet.
- [ ] A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- [ ] applicant/inventor.
- [ ] assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- [x] attorney or agent of record.
- [ ] attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a)._____.

Signature

Donald R. Boys
Typed or printed name

08/08/2003
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- [ ] *Total of_____forms are submitted.

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INVENTOR: Christopher Clemmett Macleod Beck et al.
CASE: P3316
SERIAL NO.:   09/182,745   **GROUP ART UNIT:** 2178
FILED: 10/28/98   **EXAMINER:** Huynh, Cong Lac T
SUBJECT: Methods and Apparatus for Building Multimedia
                 Applications Using Interactive Multimedia Viewers

PARTY IN INTEREST: All inventions in the disclosure in the present case are assigned to or assignable to:

Genesys Telecommunications Laboratories, Inc.

To the Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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SIR:

APPEAL BRIEF

37 C.F.R 1.192(c)(1) Real Party in Interest

The real party in interest is the party named above in the caption of the brief, Genesys Telecommunication Laboratories, Inc.

37 C.F.R 1.192(c)(2) Related Appeals and Interferences

This is an appeal from the action of the Primary Examiner dated 06/06/03, rejecting claims 1-20, the only pending claims in the application. There are no related appeals or interferences in the instant case.

37 C.F.R 1.192(c)(3) Status of the Claims

The present application was filed on 10/28/98. Claims 1-20 were presented for examination in the application. As of the last Response filed, claims 1 is an independent claim for an object-oriented programming interface for use by a programmer in a computer readable medium, a software Interactive Media Viewer (IMV) module, Previously Amended. Claim 2 is depended from claim 1 and is Original. Claim 3 is depended from claim 1 and is Previously Amended. Claim 4 is depended from claim 1 and is Previously Amended. Claim 5 is depended from claim 1 and is Previously Amended. Claim 6 is an independent claim for a programming application for creating an Interactive Multimedia Application (IMA), in a computer readable medium, which includes access to and presenting of multimedia files stored in a data repository. Claim 7 is depended from claim 6 and is Original. Claim 8 is depended from claim 6 and is Previously Amended. Claim 9 is depended from claim 6 and is Previously Amended. Claim 10 is depended from claim 6 and is Previously Amended. Claim 11 is an independent claim for a multimedia communication center, having a programming application for creating an Interactive Multimedia Application (IMA), in a computer readable

medium. Claim 12 is depended from claim 11 and is Previously Amended. Claim 13 is depended from claim 11 and is Previously Amended. Claim 14 is depended from claim 11 and is Previously Amended. Claim 15 is depended from claim 11 and is Previously Amended. Claim 16 is an independent claim for a method for assembling an Interactive Multimedia Application (IMA), in a Multimedia Communication Center environment which includes access to and processing of multimedia files stored in a data repository. Claim 17 is depended from claim 16 and is Original. Claim 18 is depended from claim 16 and is Previously Amended. Claim 19 is depended from claim 16 and is Previously Amended. Claim 20 is depended from claim 16 and is Previously Amended.

37 C.F.R 1.192(c)(4) Status of Amendments

Following is a chronological listing of Office actions and Amendments filed in the instant case:

1. The application was filed on 10/28/98.

2. A first Office Letter was mailed in the case on January 13, 2000, in which the Abstract was objected to, claims 1 and 11 were objected to for informalities, claims 6, 1 and 16 were rejected under 35 U.S.C. 112, second paragraph, claims 1-15 were rejected under 35 U.S.C. 101 as not being drawn to statutory subject matter, claims 1-2, 6-7, and 16-17 were rejected under 35 U.S.C. 103 as obvious over Syeda-Mahmood (US 5,983,218) hereinafter Syeda, in view of Torres et al. (US 5,897,635) hereinafter Torres. Further claims 3-8, 8-10, 11-12, and 18-20

were rejected under 35 U.S.C. 103(a) over Seyda and Torres, and further in view of Goetz (U.S. 5,956,729).

2. A Preliminary Amendment was filed March 8, 2000 to amend the specification of the application to correct the "Cross-Reference to Related Documents " section.

3. An amendment entitled Supplemental Amendment was filed April 6, 2000 in response to the Office Letter mailed on January 13, 2000 (item 2 above). Claims 1, 6, 11 and 16 were amended in this paper, and several amendments were made to the specification to correct informalities.

4. A new Office Letter made Final was mailed September 25, 2000. Figure 11 was objected to by the Examiner. Claims 1-2, 6-7, 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US 5,983,218) hereinafter Syeda, in view of Torres et al. (US 5,897,635). Claims 3-5, 8-10, 11-12, 13-15, and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda and Torres, and further in view of Goetz et al. (US 5,956,729).

5. A Continuing Prosecution Application (CPA) was filed on December 13, 2000 with a Preliminary Amendment in response to the action mailed on September 25, 2000. No amendments were made to the claims. Appellant provided arguments to overcome the art provided by the Examiner. A red-lined drawing for Fig. 11 was submitted to overcome the Examiner's objection.

6. A new action was mailed on April 09, 2001. Claims 1-20 were presented for examination. Claims 1-2, 6-7, 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US 5,983,218), in view of Torres et al.

(US 5,897,635). Claims 3-5, 8-10, 11-12, 13-15, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda, Torres, and further in view of Goetz et al. (US 5,956,729).

7. A response was filed July 9, 2001 to the action mailed on April 9, 2001. Appellant provided arguments and reasoning to show the patentable differences between appellant's claimed invention and that of the prior art as cited and applied by the Examiner. No amendments were made to the claims or specification. Apellant provided further argument and reasoning on behalf of the standing claims.

8. An Office Action was mailed on September 27, 2001, made Final. Claims 1-2, 6-7, 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (US 5,983,218), in view of Torres et al. (US 5,897,635). Claims 3-5, 8-10, 11-12, 13-15, and 18-20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda, Torres, and further in view of Goetz et al. (US 5,956,729).

9. Appellant filed a CPA and a Preliminary amendment to the action of September 27, 2001 on December 26, 2001. Appellant amended claims 1, 3-6, 8-11, 13-16, and 18-20, and provided arguments and reasoning to show the patentable differences between appellant's claimed invention, as amended, and that of the prior art as cited and applied by the Examiner. Claims 1, 11 and 16 were amended to replace the word "renders" with "presents". Appellant also limited the "multimedia files" to include at least telephony, interactive voice response (IVR), and e-mails, and the programmed selective control in the editable layer restricts selected multimedia files from being accessed by the IMV. Dependent claims 2-5,

7-10, and 12-19 were amended to change "access and render" to "access and present". Claim 20 was amended to specifically recite "wherein IMVs are limited through the editable layer according to the tags of the multimedia files".

10. A new Office Letter was mailed in the case on February 14, 2002. Claims 1-2, 6-7 and 16-17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (5,983,218). Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

11. A response was filed March 20, 2002 by facsimile to the action of February 14, 2002. No amendments to the claims were made over the previous amendment. Further arguments provided.

12. A new Office Action was mailed in the case on May 31, 2002, made Final. In the Office Action the Examiner maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S. 5,983,218), hereinafter Syeda. Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

13. Appellant filed a Request for Continued Examination on July 3, 2002 with an amendment responding to the action of May 31, 2002. No amendments were made to the claims. Appellant presented arguments to overcome Syeda.

14. Office Action was mailed in the case on September 28, 2002. In the Office Action the Examiner has maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S.

5,983,218), hereinafter Syeda. Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

15. A response to the action of September 28, 2002 was filed on November 12, 2002. No changes were made to the claims. Appellant presented arguments regarding Syeda.

16. A new action was mailed in the case on February 21, 2003. In the Office Action the Examiner maintained the rejection of claims 1-2, 6-7 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood (U.S. 5,983,218), hereinafter Syeda. Claims 3-5, 8-15, and 18-20 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda in view of Goetz, of record.

17. A response to the action of February 21, 2003 was filed on March 31, 2003. 06/06/03. No amendments made to the claims. Appellant made further attempts made to argue the patentability of the claims as amended.

18. A new action was mailed June 6, 2003. Claims 1-2, 6-7, 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Syeda-Mahmood, in view of newly presented art of Gill et al. (U.S. 6,052,514, filed 1/18/95, priority to 10/1/92).

As of the time of this Appeal Brief, claims 1-20 as last presented in the response of March 31, 2003 stand for decision on appeal from the examiner's rejection made on June 06, 2003.

37 C.F.R 1.192(c)(5) Summary of the Invention

An object-oriented programming interface for use by a programmer, a software Interactive Media Viewer (IMV) module is provided, comprising a code set adapted to access and render media code from multimedia files stored in a data repository; and an editable layer allowing the programmer to program limitations limiting access by the IMV to preselected media files. The IMV further comprises one or more software interfaces to other software modules that may be grouped in an Interactive Media Application (IMA) with one or more IMVs, may be adapted to access and render multimedia code of just one type or more than one type.

The multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files. Unique viewers are disclosed and taught, and a multimedia communications center utilizing such viewers is taught as well.

A method is provided for assembling an Interactive Multimedia Application (IMA), comprising steps of (a) selecting first selectable software modules providing functionality for an Interactive Multimedia Application other than access to and rendering of the multimedia files; (b) selecting at least one selectable Interactive Multimedia Viewer (IMV) software module including a code set adapted to access and render media code from multimedia files stored in a data repository and an editable layer allowing the programmer to program limitations limiting access by the IMV to preselected media files; (c) editing the editable layer of the at least one IMV; and (d) joining the selected and edited modules to form the IMA.

37 C.F.R 1.192(c)(6) Issues

1) Whether the art of Syeda for an application for accessing a database can read upon appellant's object-oriented programming interface and method for assembling an Interactive Multimedia Application (IMA).

37 C.F.R 1.192(c)(7) Grouping of Claims

The claims stand or fall together, and no grouping of separately patentable claims is presented.

37 C.F.R 1.192(c)(8) Argument

1) Regarding claims 1 and 16, appellant argued that the Examiner is still not acknowledging that appellant's claim 16 is <u>a method for assembling</u> an Interactive Multimedia Application (IMA) and claim 1 is for an object-oriented programming interface for use by a programmer. The IMA of appellant's invention actually interfaces with a database. Syeda does not teach a method for assembling an application for accessing various databases. <u>Syeda teaches an application for accessing a database</u>. Appellant points out that appellant's invention, and that of Syeda are not structurally in the same context.

The Examiner responds to the above arguments stating that Syeda teaches an application for accessing a database and also teaches assembling an Interactive

Media Application (IMA) which interfaces with a database (col. 5, line 20 to col. 6, line 42). The Examiner reproduces the referenced paragraph of Syeda offering no further explanation of how said paragraph reads on appellant's claimed limitation. Appellant reproduces said paragraph from Syeda below, (emphasis added as in the Examiners representation).

"At the second level 4 the database sites are categorized based on the query type at the earlier level will be further grouped based on scope relevancy data for handling image content-based queries. Specifically, techniques in image-based query similarity detection are combined with statistical techniques used in text-based resource discovery systems so that indexing based on query image content yields a ranked list of database sites. This scheme allows several methods of *representation of the database sites at the second level including multimedia icons and prototypical models of objects*. Using this approach, the Web server will assemble the meta-database as follows. Given a set of databases at web sites, an initial meta-database is constructed from structured query templates returned by the individual databases. *These templates can be periodically updated by the databases (as their capabilities change) and relayed to the web server for updating of the meta-database. The* initial *categorization of databases in the meta-database is used to direct queries to relevant sites.* A record of responses returned and the associated queries are used by the refining module to periodically cluster the query data patterns (could be 2d textures, 2d objects, or video segments) into salient groups based on content similarity, and to update the possible relevance of databases."

Appellant argues that Syeda does not teach an IMA as disclosed and claimed, nor a method for assembling said IMA. Appellant points out that the paragraph is describing the second level of meta-database 4. Appellant argues that Syeda discloses that meta-database 4 is generated from database sites 8.

Meta-database 4 of Syeda is not an Interactive Multimedia Application (IMA) as claimed. The first italicized portion emphasized by the Examiner recites; *"representation of the database sites at the second level including multimedia icons and prototypical models of objects."* Appellant is confused as to how this portion relates to assembling an IMA. Appellant argues that this teaching merely states that the representation of database sites in meta-database 4 are represented by multimedia icons and prototypical models of objects. Appellant points out that databases as known in the art cannot be referred to as applications or software modules.

The Examiner also emphasizes the portion of said paragraph reciting; "<u>the Web server will assemble the meta-database as follows.</u> Given a set of databases at web sites, an initial <u>meta-database is constructed from structured query templates returned by the individual databases.</u>"

Appellant argues that the meta-database that the Web server assembles from structured query templates returned by individual databases 8, are not applications or software modules as claimed. In appellant's invention the Interactive Multimedia Application includes software modules for viewing. A meta-database is not an application nor a software module as known in the art. Appellant also points out that the templates, as described in Syeda, are not applications or software modules.

Next, the Examiner emphasizes the portion of said paragraph stating that; *"These templates can be periodically updated by the databases (as their capabilities change) and relayed to the web server for updating of the meta-database.* The initial *categorization of databases in the meta-database is used to direct queries to relevant sites.* <u>A record of responses returned</u> and the associated queries are used by the refining module to periodically cluster the query data patterns (could be 2d textures, 2d objects, or video segments) into salient groups

based on content similarity, and to update the possible relevance of databases."

Appellant argues that the templates are updated by individual databases 8. The categorization of databases in the meta-database has absolutely no relevance to assembling an application using software modules as claimed. Again, appellant stresses that databases are not applications nor are they software modules. Appellant points out that appellant's invention specifically teaches and recites claims for assembling an application (computer software) for accessing databases. The Examiner must therefore provide prior art that not only *has* software for accessing a database, but a method for assembling the application or software, using individual software modules as claimed. Appellant argues that the Examiner has failed to provide said prior art, therefore, the a prima facie case for obviousness has not been shown. Appellant further points out that Syeda also fails to disclose a Multimedia Communication Center environment as clearly stated in the preamble of appellant's claim 16.

37 C.F.R 1.192(c)(9) Appendix A

The following are the claims involved in the Appeal:

1. In an object-oriented programming interface for use by a programmer in a computer readable medium, a software Interactive Media Viewer (IMV) module, comprising:

     a code set adapted to access and present media code from multimedia files stored in a data repository; and

     an editable layer allowing the programmer to program selective control of access by the IMV to the multimedia files;

     wherein the multimedia files include at least telephony, interactive voice response (IVR), and e-mails, and the programmed selective control in the editable layer restricts selected multimedia files from being accessed by the IMV.

2. The IMV of claim 1 wherein the IMV further comprises one or more software interfaces to other software modules that may be grouped in an Interactive Media Application (IMA) with one or more IMVs.

3. An IMV as in claim 1 wherein the IMV accesses and presents multimedia code of one type.

4. An IMV as in claim 1 wherein the IMV accesses and presents multimedia code of more than one type.

5. The IMV of claim 1 wherein the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to

one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files, and wherein IMVs are restricted through the editable layer according to the tags of the multimedia files.

6. A programming application for creating an Interactive Multimedia Application (IMA), in a computer readable medium, which includes access to and presenting of multimedia files stored in a data repository, comprising:

first selectable software modules providing functionality for an Interactive Multimedia Application; and

at least one selectable Interactive Multimedia Viewer (IMV) software module including a code set for accessing and presenting media code from multimedia files stored in a data repository and an editable layer allowing a programmer to program selective control of access by the IMV to the multimedia files;

wherein the multimedia files include at least telephony, interactive voice response (IVR), and e-mails, and the programmed selective control in the editable layer restricts selected multimedia files from being accessed by the IMV, and by selecting, including, and editing software modules the programmer is enabled to create the IMA.

7. The programming application of claim 6 wherein the IMV further comprises one or more software interfaces to the first selectable software modules.

8. A programming application as in claim 6 wherein the IMV accesses and presents multimedia code of only one type.

9. A programming application as in claim 6 wherein the IMV accesses and presents multimedia code of more than one type.

10. The programming application of claim 6 wherein the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files, and wherein IMVs are limited through the editable layer according to the tags of the multimedia files.

11. A multimedia communication center, having a programming application for creating an Interactive Multimedia Application (IMA), in a computer readable medium, comprising:

an access interface for outside communication;

an interface to communication center personnel;

a storage system for recording multimedia transactions in a data repository, the stored transactions characterized by tags representing one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files; and

a programming application for creating the IMA which includes access to and presenting of the multimedia files stored in the data repository;

wherein the programming application is characterized by first selectable software modules providing functionality for an Interactive Multimedia Application including at least one selectable Interactive Multimedia Viewer (IMV) software module including a code set for accessing and presenting media code from multimedia files stored in a data repository and an editable layer allowing the programmer to program selective control of access by the IMV to the

multimedia files, wherein the multimedia files include at least telephony, interactive voice response (IVR), and e-mails, and the programmed selective control in the editable layer restricts selected multimedia files from being accessed by the IMV, and, by selecting, including, and editing software modules the programmer is enabled to create the IMA.

12. The multimedia communication center of claim 11 wherein the IMV further comprises one or more software interfaces to the first selectable software modules.

13. A multimedia communication center as in claim 11 wherein the IMV accesses and presents multimedia code of only one type.

14. A multimedia communication center as in claim 11 wherein the IMV accesses and presents multimedia code of more than one type.

15. A multimedia communication center as in claim 11 wherein the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files, and wherein IMVs are limited through the editable layer according to the tags of the multimedia files.

16. In a Multimedia Communication Center environment which includes access to and processing of multimedia files stored in a data repository, a method for assembling an Interactive Multimedia Application (IMA), comprising steps of:
    selecting software modules providing functionality for an Interactive

Multimedia Application, including at least one selectable Interactive Multimedia Viewer (IMV) software module having a code set for accessing and presenting media code from multimedia files stored in a data repository, wherein the multimedia files include at least telephony, interactive voice response (IVR), and e-mails;

editing an editable layer of the at least one IMV by programming limitations restricting access by the IMV to preselected multimedia files; and

joining the selected and edited modules to form the IMA.

17. The method of claim 16 wherein the IMV further comprises one or more software interfaces to the first selectable software modules.

18. The method of claim 16 wherein the IMV accesses and presents multimedia code of only one type.

19. The method of claim 16 wherein the IMV accesses and renders multimedia code of more than one type.
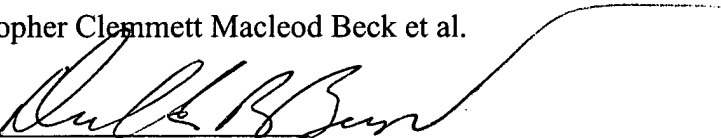
20. The method of claim 16 wherein the multimedia files stored in the data repository represent multimedia transactions, and are characterized with tags according to one or more of date, time, participants, file type, company affiliation of participants, subject or issue, and relationship to other multimedia files, and wherein IMVs are limited through the editable layer according to the tags of the multimedia files.

If any additional time extensions are required beyond any extension petitioned with this Appeal Brief, such extensions are hereby requested. If there are any fees due beyond any fees paid with this Appeal Brief, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,

Christopher Clemmett Macleod Beck et al.

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